UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/237,825	01/27/1999	JOHN S HENDRICKS	3960.D1	7011

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ANDREWS KURTH L.L.P.
1701 PENNSYLVANIA AVENUE, N.W. SUITE 300
WASHINGTON, DC 20006

EXAMINER
NALEVANKO, CHRISTOPHER R

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/237,825	HENDRICKS, JOHN S
	Examiner	Art Unit	
	Christopher R. Nalevanko	2611	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 December 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5 and 7-22* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5 and 7-22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 12/06/2004 have been fully considered but they are not

persuasive.

      Regarding Claims 1 and 7, Applicant argues that "[N]othing in Banker or Logston

discloses or suggest combining means that combines test data prior to the data being

uplinked...There is nothing in Banker or Logston that discloses combing text data from

multiple sources so that the text data may be placed into a video signal for distribution to

subscribers" (page 6 lines 22-30). Examiner asserts that Banker clearly shows a

combining means connected to a processor and formatter, for combining text data prior to

being uplinked (col. 5 lines 25-67, scrambler and modulators for formatting the data, data

inserted into the vertical or horizontal blanking intervals, on screen text data inserted into

television channel by headend controller, headend controller controls all processes of

distribution, see fig. 1 items 34 and 36, combiners for combining television data and VBI

data). Banker clearly shows that the headend controller controls the modulators and

combiners, which insert text data into the television data prior to sending the data to the

users.

      Regarding Claim 8, Applicant argues that "the combination of Hamilton and

Logston does not disclose or suggest a communication system for receiving text data

request and responding to the text data request and does not disclose or suggest a home

subsystem for requesting text data and receiving the text data via the communication

system" (page 7 lines 23-27). Examiner asserts that Logston clearly shows a home

subsystem connected to a communications system (fig. 1, set top terminal connected to

communication service, col. 5 lines 40-60) for requesting text data and receiving text data

via the system, whereby the text data is received from a file server after the request (col.

4 lines 20-32, on demand capability of providing on-line data retrieval services, long

distance learning, museum on cable, col. 7 lines 1-26, providing requested information to

user to customer's home, col. 8 lines 1-25, 50-67, user requesting "Video Session

Connection" through bi-directional cable and provider sending audio, text, interactive

games). Logston shows that a user is capable of sending multiple information requests to

a service provider through a cable communication system. These request include data,

video, online museums, games, and, as explicitly stated, text. This clearly meets the

claimed limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Banker et al (5,579,057) in further view of Logston et al (5,481,542).

Regarding Claim 1, Banker shows an operations center for a text delivery system

wherein text is delivered to subscribers for viewing comprising a data receiver for

receiving the text data (col. 5 lines 24-62), a security means for scrambling the data (col.

5 lines 40-62, see fig. 1 items 26 and 28), and an uplink connected to security means for

placing the scrambled data onto a video signal (col. 5 lines 40-67, see fig. 1 item 34).

Also, Banker shows that the data is formatted into a television format (col. 9 lines 30-47)

and that the head end conditions and formats the incoming signal (col. 5 lines 25-40,

signal is demodulated and decoded, descramblers and demodulators). Additionally,

Banker shows a system manager which controls a hardware controller, headend controller

22 (col. 5 lines 19-22). This clearly contains a processor that controls the entire head end

operations, including formatting and processing of data. Banker shows a combining

means, connected to the processor and formatter, for combining text data prior to uplink

(fig. 1 item 34). Furthermore, although Banker shows "scrambling" as a security means,

Banker fails to specifically show encryption. Logston shows encrypting the data.

Logston additionally shows formatting the data before encryption (col. 8 lines 50-67, col.

9 lines 1-10). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the system of Banker with the encryption of Logston

to provide a more secure data transmission means that would help prevent the

unauthorized use of broadcasted material.

Regarding Claim 2, Banker shows a head-end controller, data controller, and

system manager that process the received data. Although not specifically noted, it is

nonetheless inherent that these computer components contain processor and instruction

memory to carry out their designed functions.

Regarding Claim 4, Logston shows that the data is encoded (col. 6 lines 15-42).

Regarding Claim 5, Banker shows a billing and collection system (fig. 1 item 11).

Regarding Claim 7, Banker shows a method for operating a center for delivering

text comprising receiving the text data (col. 5 lines 24-40), a security means for

scrambling the data (col. 5 lines 40-62, see fig. 1 items 26 and 28), and placing the

scrambled data on a video signal (col. 5 lines 40-67, see fig. 1 item 34). Also, Banker

shows that the data is formatted into a television format (col. 9 lines 30-47) and that the

head end conditions and formats the incoming signal (col. 5 lines 25-40, signal is

demodulated and decoded, descramblers and demodulators). Banker shows a combining

means, connected to the processor and formatter, for combining text data prior to uplink

(fig. 1 item 34). Furthermore, although Banker shows "scrambling" as a security means,

Banker fails to specifically show encryption. Logston shows encrypting the data.

Logston additionally shows formatting the data before encryption (col. 8 lines 50-67, col.

9 lines 1-10). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the system of Banker with the encryption of Logston

to provide a more secure data transmission means that would help prevent the

unauthorized use of broadcasted material.

3.   Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Banker et al

(5,579,057) in further view of Logston et al and Hamilton et al.

Regarding Claim 3, Banker shows a head end controller and a data controller,

connected to a processor, for generating text data to be delivered to the subscriber (col. 5

lines 54-67). Furthermore, Banker shows that the data controller and head-end controller

receive the text, or message, data and manipulate it. Banker and Logston fail to

specifically show message memory for storing messages. Hamilton shows that the text scramblers, connected to a processor, contain memory for storing text messages (col. 5 lines 15-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker and Logston with a memory for storing messages so that the text could be manipulated, formatted, and processed by the head-end. Also, this would allow for storage of data that would be beneficial to store for a period of time.

4. Claims 8-13 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al in further view of Logston et al.

Regarding Claim 8, Hamilton shows a system for delivering text comprising a means for receiving text data (fig. 1 item 34, col. 5 lines 40-65), a local file server (fig. 1 item 34, col. 5 lines 40-65), connected to receiving means, for storing the text, a communication system for delivering text (connection between set-top box, TV, and remote control col. 5 lines 40-65, col. 15 lines 23-67), and a home subsystem for receiving text data (connection between set-top box, TV, and remote control col. 5 lines 40-65, col. 15 lines 23-67). Hamilton fails to specifically show that the user requests the text to be delivered. Logston shows a user request for text and the system delivering the text upon that request (col. 4 lines 20-32, on demand capability of providing on-line data retrieval services, long distance learning, museum on cable, col. 7 lines 1-26, providing requested information to user to customer's home, col. 8 lines 1-25, 50-67, user requesting "Video Session Connection" through bi-directional cable and provider sending audio, text, interactive games). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hamilton with the ability

to request text data so that the user would be provided with additional data upon his or her request. This would increase the interactivity and convenience of the system.

Regarding Claim 9, Hamilton shows an operations center comprising means for gathering text from publishers (fig. 1 items 16, 18, 20, col. 9 lines 30-65), a master file server for storing text (fig. 1 item 16, col. 9 lines 30-65), and a distribution system for distributing the text data at the master file to the local file server (fig. 1).

Regarding Claim 10, Hamilton shows an operations center for delivery of text, or electronic books, comprising a data receiver (col. 4 lines 30-45), under control of a processor (fig. 1 item 16), that receives text information, a formatter, an encoder (col. 6 lines 1-10, col. 10 lines 1-16), a memory that stores the encoded information (see fig. 2, col. 9 lines 34-67), and a transmitter that transmits the information (fig. 1). Hamilton also shows a combiner, connected to a processor and formatter, that combines text for delivery (col. 4 lines 16-67, col. 5 lines 1-15, HEC headend controller controls the transmission of television signals as well as control and text data inserted into signal, in-band vertical blanking interval insertion techniques). Hamilton fails to show a packetizer. Logston shows packeting the information (col. 8 lines 50-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hamilton with the packetization of Logston in order to provide the user with a robust, secure digital transmission means. Also, packetization is a required step in the sending of digital data over a network.

Regarding Claim 11, Hamilton shows receiving video, or graphics, and text (col. 2 lines 40-67, col. 3 lines 40-67, col. 4 lines 30-55).

Regarding Claim 12, Hamilton shows a server which generates text data to be inserted into the signals (fig. 2 item 16, col. 4 lines 30-45, col. 9 lines 36-67).

Regarding Claim 13, Hamilton shows sending advertisements (col. 1 lines 17-55).

Regarding Claim 15, Hamilton shows that the text can be messages about sports or weather (see fig. 2).

Regarding Claim 16, Hamilton shows compressing the data prior to storage (col. 2 lines 40-57, col. 10 lines 1-16).

Regarding Claim 17, Logston shows an error correction bit in the information packet (col. 16 lines 48-67, col. 17 lines 1-10).

Regarding Claim 18, Hamilton shows a cable television system (col. 3 lines 43-67).

Regarding Claim 19, Hamilton shows connection to external data bases that store digitized text, or books (fig. 1 items 18 and 20).

Regarding Claim 20, Hamilton shows online databases (fig. 1 items 18 and 20).

Regarding Claim 21, Hamilton shows connection to a television guide publisher, or EPG publisher (fig. 1).

5.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al in further view of Logston et al and Gelman et al.

Regarding Claim 14, Hamilton and Logston fail to show displaying targeted advertisements. Gelman shows targeted advertisements (col. 5 lines 1-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hamilton and Logston with the ability to send targeted advertisements so that the

service provider could send advertisements that were specifically related to a user's

interests.

6.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al in

further view of Logston et al and McKenna et al.

Regarding Claim 22, Hamilton and Logston both fail to show a market research

module that receives buy data and schedules information for advertising to subscribers.

McKenna does show a market research module that receives buy data and schedules

information for advertising to subscribers (col. 1 lines 15-30, 57-67, col. 4 lines 59-67,

col. 5 lines 38-67, col. 10 lines 38-64). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Hamilton and Logston with

the ability to store buying information in order to better provide viewers with relevant

commercials and viewing choices.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher R. Nalevanko whose telephone number is 571-272-

7299. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Christopher Nalevanko
AU 2611
571-272-7299

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cn

CHRIS GRANT
PRIMARY EXAMINER